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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities, LLC,

Plaintiff,

v.

MINNETONKA MOCCASIN COMPANY, INC.  
PENSION PLAN; DAVID MILLER, in his  
capacity as Trustee of the Minnetonka Moccasin  
Company, Inc. Pension Plan; and MARSHALL  
MILLER, in his capacity as Trustee of the

Adv. Pro. No. 10-05141 (SMB)

Minnetonka Moccasin Company, Inc. Pension Plan,  Defendants.
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**STIPULATION AND ORDER FOR VOLUNTARY  
DISMISSAL OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and (i) Minnetonka Moccasin Company, Inc. Pension Plan, (ii) David Miller, in his capacity as trustee of the Minnetonka Moccasin Company, Inc. Pension Plan, and (iii) Marshall Miller, in his capacity as trustee of the Minnetonka Moccasin Company, Inc. Pension Plan (“Defendants”), by and through their counsel, Thomas G. Wallrich and Heather L. Marx of Cozen O’Connor (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and served the Complaint against Defendants.
2. On May 6, 2011, Defendants served an Answer on the Trustee, and on November 24, 2014, Defendants served an Amended Answer on the Trustee.
3. On May 26, 2015, the Parties entered into a Settlement Agreement and Release.
4. Under the Settlement Agreement, Defendants will make installment payments to the Trustee and will execute a Stipulation for Entry of Judgment, as security for the installment payments, which will be held in escrow by Trustee and not filed unless there is a default in the installment payments which remains uncured after ten (10) business days’ notice of default to Defendants and their counsel.

5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding, subject only to the right of Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default in the installment payments to seek entry of Judgment pursuant to the Stipulation for Entry of Judgment.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

Dated: September 21, 2015

**BAKER & HOSTETLER LLP**

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Madoff Investment Securities LLC and the  
Estate of Bernard L. Madoff*

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Moccasin Company Inc. Pension Plan,  
David Miller and Marshall Miller*

SO ORDERED

Dated: September 21<sup>st</sup>, 2015  
New York, New York

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE